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May 26, 2020

BY ECF

Hon. Hugh B. Scott
Robert H. Jackson U.S. Courthouse
2 Niagara Square
Buffalo, New York 14202

Re: Oretha Beh, et al. v. Community Care Companions, Inc., et al.,
No. 1:19-CV-01417 JLS HBS

Dear Magistrate Judge Scott,

I am writing on behalf of Plaintiffs to request clarification of one part of this Court's May 22, 2020 Decision and Order (Doc. 191).

The first sentence of Section 2 thereof provides: "Once the group of 92 individuals and the group of 40 individuals have been chosen, discovery may begin immediately." We understand "discovery" in this context to be that directed at and/or concerning the individual 92 persons and/or the individual 40 persons referenced in the same sentence and not to include discovery relevant to class certification discovery but which is not directed at those persons individually. We note in this regard that in setting a deadline of October 19, 2020 for completion of class certification discovery, this Court noted this was "[a]s the parties have agreed." *See* first sentence of Section 3. The Court clearly was referring to the parties' agreement that they should have a period of five months for completion of class certification discovery. If the Court's statement in Section 2 quoted above were construed to refer to any and all class certification discovery, it would be inconsistent with the parties' agreement and the Court's intention to allow five months for such discovery, because it would reduce that period from May 22 through October 19 to June 12 through October 19. In other words, it would reduce the intended five month period by three weeks.

Perhaps in an overabundance of caution, we ask the Court to clarify that it meant what Plaintiffs understand the Court to have meant.

Thank you for your attention to this matter.

Yours truly,

/s/ James Reif
James Reif

cc: Brian Shenker Esq.
(by ECF)